

## **EXHIBIT 3**

1 UNITED STATES DISTRICT COURT  
2 NORTHERN DISTRICT OF NEW YORK

3  
4 DENISE PAYNE,

5 Plaintiff,

6 INDEX NO.: 18-cv-1442

7 vs.

8  
9 CORNELL UNIVERSITY,

10 Defendant.

11  
12  
13 This is the Examination Before Trial of  
14 KATHERINE DOXEY  
15 held on the 16th day of December, 2019, held at  
16 Cornell University Counsel's Office, 235 Garden  
17 Avenue, Ithaca, New York.  
18  
19  
20  
21  
22

23 REPORTED BY: CAITLYN A. SHAYLOR

24 Shorthand Reporter  
25

A P P E A R A N C E S

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BY: ADAM G. PENCE, ESQUIRE

ALSO PRESENT: VALERIE CROSS DORN, ESQUIRE

S T I P U L A T I O N S

It is stipulated by and between the parties hereto that the filing of the deposition is waived; that the deposition may be signed before any Notary Public; and that all objections except as to the form of the question are reserved to the time of the trial.

1 K A T H E R I N E D O X E Y  
2 having been called as a witness,  
3 having been duly sworn, was examined  
4 and testified as follows:

5 EXAMINATION BY

6 MS. VINCI:

7 Q Good morning.

8 A Morning.

9 Q Or good afternoon.

10 A Afternoon, yes.

11 Q Can you state your name for the record,  
12 please?

13 A Catherine Doxey.

14 Q Good afternoon, Ms. Doxey. We've met  
15 previously, but --

16 A Uh-huh.

17 Q -- for the record, my name is Gabrielle  
18 Vinci. I'm one of the attorneys representing Ms.  
19 Payne, Denise Payne. Are you familiar with that  
20 lawsuit at all?

21 A Yes.

22 Q Okay. When did you first learn about  
23 that lawsuit?

24 A When -- I'm trying to think of the date.  
25 It was probably March 2017, '18, I'm sorry.

1           Q     That's okay. And how did you become  
2 aware of that lawsuit?

3           A     Informed by university counsel.

4           Q     Okay. Have you spoken to anyone other  
5 than university counsel about the lawsuit? Well,  
6 strike that. Have you spoken to any other  
7 Cornell employees besides university counsel  
8 about Ms. Payne's lawsuit?

9           A     Only status of where it was. Informing  
10 my supervisors that I'd be out of office for  
11 depositions, or --

12          Q     Okay. And who did you discuss the status  
13 of the lawsuit with?

14          A     Shawn Moeller is the executive director  
15 of HR for the College of Business. And Laura  
16 Syer, the associate Dean.

17          Q     When's the last time you talked to Mr.  
18 Moeller about the lawsuit?

19          A     This morning, just reminding him I was  
20 going to be out of the office.

21          Q     Have you had any conversations with Mr.  
22 Moeller substantively about the lawsuit, about  
23 the allegations in it?

24          A     No.

25          Q     Okay. And what about Ms. Syer, when's

1 the last time you spoke to her about the lawsuit?

2 A Honestly, probably when we went to  
3 mediation.

4 Q Okay. And have you spoken to Ms. Syer  
5 about the substance of Ms. Payne's lawsuit, the  
6 allegations she's brought?

7 A Not since the mediation, no.

8 Q Prior to the mediation had you discussed  
9 that with Ms. Syer?

10 A Probably only in counsel prep for that.

11 Q Okay. Have you ever spoken to Denise  
12 about her lawsuit?

13 A No.

14 Q Have you seen any of the documents,  
15 exchange and discovery in the lawsuit?

16 MR. PENCE: Object to form, but you  
17 may answer.

18 A So I've reviewed the formal letters  
19 involved in her case, so offer letters and layoff  
20 letter, that kind of stuff.

21 Q Have you ever been deposed before?

22 A No.

23 Q So I'll go over some ground rules. Which  
24 I will note you were at Ms. Payne's deposition.

25 A Uh-huh.

1           Q     So they may seem repetitive to you, you  
2     may recognize them from then. But the first rule  
3     is we do have a court reporter here, she's taking  
4     down all of the questions and answers. If you  
5     can just keep all of your responses verbal so  
6     that she can note it on the transcript. Also,  
7     it's difficult to take down two people speaking  
8     at once, so I just ask that you allow me to  
9     finish my question before you start your answer,  
10    and I will also allow you to finish your answer  
11    before I start my next question. If at any point  
12    in time I cut you off, just let me know. I don't  
13    mean to. If at any point in time you don't  
14    understand a question as I've posed it to you,  
15    let me know and I will do my best to rephrase it  
16    so that you can understand it and it is  
17    meaningful to you. If you answer a question, I'm  
18    going to assume you understood it as I asked it,  
19    is that okay?

20          A     That's clear, yep.

21          Q     From time to time your attorney may note  
22    his or her objection to one of my questions, just  
23    allow your attorney to get his or her objection  
24    out and then you will have to proceed and answer  
25    the question, unless instructed otherwise. If at

1 any point in time you need to take a break, just  
2 let me know. I don't anticipate we're going to  
3 be here for an exorbitant amount of time at all,  
4 but that being said, you can take as many breaks  
5 as you need. I would just ask that you -- if a  
6 question is open, you answer the question before  
7 taking that break; is that okay?

8 A Yep.

9 Q What, if anything, did you do to prepare  
10 for today's deposition?

11 A Looking through some policies, looking at  
12 the formal correspondence to Denise, letters.

13 Q Okay. Which policies did you review, or  
14 look through, I'm sorry?

15 A Yeah. So the flex arrangement, the  
16 separations.

17 Q The separations?

18 A Yeah, separations from the university,  
19 which covers layoffs.

20 Q When you say you looked through them, did  
21 you read them line by line, did you skim them,  
22 something else?

23 MR. PENCE: Object to form, but you  
24 may answer.

25 A I'm familiar with them, so I'd say I

1 skimmed them.

2 Q Okay. And when did you skim through  
3 these policies?

4 A Last week.

5 Q And the formal correspondence, is that  
6 the offer letter you mentioned before?

7 A Yes. The offer letter when we originally  
8 hired Denise, the offer letter to her most recent  
9 general, and then the termination letter.

10 Q And did you also review those last week?

11 A Yes.

12 Q Did you speak to anybody in preparation  
13 for your deposition today?

14 A Only counsel.

15 Q I don't want to know the substance of any  
16 conversations you've had with counsel. When you  
17 say counsel, who are you referring to speaking  
18 to?

19 A Adam and Val.

20 Q Did you meet with counsel separately or  
21 in -- together?

22 A Together.

23 Q And when did you meet with counsel to  
24 prep for today's deposition?

25 A It was several sessions since we've

1 delayed a couple of times.

2 Q Yes.

3 A Most recent being last Thursday.

4 Q Besides yourself and counsel, was anybody  
5 else in the room?

6 A No.

7 Q Are you aware that -- well, strike that.  
8 Do you know a Lucinda Allen?

9 A I do.

10 Q Okay. Who is Lucinda Allen?

11 A She was the, I'm trying to think of her  
12 title, director of administrative services for  
13 hotel. So she was two layers above Denise. So  
14 she was supervisor of Tammy Lindsay who was  
15 Denise Payne's immediate supervisor.

16 Q Okay. Are you aware that Ms. Allen was  
17 previously deposed in this case?

18 A Yes.

19 Q Did you speak to Ms. Allen about her  
20 deposition?

21 A I did not.

22 Q Did you speak to Ms. Allen about your  
23 deposition today?

24 A I did not.

25 Q Okay. Have you taken any medications,

1 either prescription or over the counter, in the  
2 last 24 hours that would affect your ability to  
3 testify today?

4 A Nope.

5 Q Have you taken any medications in the  
6 last 24 hours, again prescription or over the  
7 counter, that would affect your memory?

8 A No.

9 Q Sitting here today is there any reason  
10 you can think of that you would not be able to  
11 understand and answer my questions?

12 A No.

13 Q What's your highest level of education?

14 A Master's.

15 Q In what?

16 A Education.

17 Q And where did you earn your Master's?

18 A University of Rochester.

19 Q And when did you earn it?

20 A '87.

21 Q Do you hold any specialized  
22 certifications or licenses?

23 A Senior professional in human resources,  
24 SPHR.

25 Q SPHR, the acronym?

1 A Uh-huh.

2 Q And when did you earn that?

3 A 2003, I believe.

4 Q Okay. And do you have to take a course  
5 for that, or go to a special school for that?  
6 How do you earn that certification?

7 A It's an exam, but there are preparation  
8 courses, which I did.

9 Q Okay. And where did --

10 A And --

11 Q Sorry, go ahead.

12 A Then you have to have so many credit  
13 hours each year, or every three years you  
14 recertify.

15 Q Where did you take the preparation  
16 courses?

17 A University of Southern Maine.

18 Q Are you currently employed by Cornell  
19 University?

20 A I am.

21 Q For how long have you been employed by  
22 Cornell?

23 A 12 years.

24 Q What is your current position --

25 A Director --

1 Q -- title?

2 A -- of human resources for the College of  
3 Business. Well, the branding people would not be  
4 happy, the SC Johnson College of Business.

5 Q We won't tell them. How long have you  
6 been the director of HR for the College of  
7 Business?

8 A The college was formed in July 2016.  
9 Prior to that I was HR director for Johnson  
10 Graduate School of Management, which is one of  
11 the schools that merged into the college.

12 Q How long have you held an HR position at  
13 Cornell?

14 A 12 years.

15 Q Okay. How long have you been a director  
16 of HR of any college of Cornell?

17 A Well, I've been at Cornell for 12 years.

18 Q Okay. Let me do it this way. Have you  
19 always held a director of HR position at Cornell?

20 A I think officially I was manager when I  
21 first started, so maybe director came in 2009 or  
22 '10.

23 Q And in your role as director do you  
24 supervise any employees?

25 A I do.

1 Q How many employees are you currently  
2 supervising?

3 A Three.

4 Q And is it -- do they all hold different  
5 job titles, do you supervise a specific class of  
6 jobs, or how does it work?

7 A So right now I supervise two HR  
8 associates and one HR assistant.

9 Q And what are your duties as the director  
10 of HR?

11 A So the people I supervise are what's  
12 referred to as the operations team, and so they  
13 are the first point of contact for all of our  
14 clients. So I supervise initial interactions  
15 with employees and -- and managers and I also do  
16 the compensation and classification for the  
17 college.

18 Q When you say you do the compensation and  
19 classification for the college, what do you mean  
20 by that? What do you do in that role?

21 A So any of our offers to candidates come  
22 through me and I make the suggestion on what the  
23 manager can offer as a starting point, any  
24 requests for promotion or bonuses or those kinds  
25 of things.

1           Q     And when you say you suggest what can be  
2     offered in an offer letter for a new position or  
3     whatnot, does the manager have to accept what you  
4     suggest or can he or she make a different  
5     determination?

6                     MR. PENCE:   Object to form, but you  
7     may answer.

8           A     If they don't think the range I am  
9     suggesting is reasonable, we discuss why.   If we  
10    don't agree then they can escalate that to my  
11    boss or his boss.

12          Q     Does HR, meaning anybody in the HR  
13    department who's involved in this process, does  
14    HR have the final say in what compensation is  
15    offered to a new employee?

16          A     Usually.   Ultimately the dean has the  
17    final authority on all decisions at the college.

18          Q     You're familiar with Denise Payne,  
19    correct?

20          A     Uh-huh.

21          Q     When did you first meet Ms. Payne?

22          A     She was hired in August of 2015 as a  
23    research aide in the business simulation lab.   I  
24    was not involved in her hiring; although, I  
25    probably did an orientation with her as a new

1 employee.

2 Q What sort of things go -- are -- strike  
3 that. What is involved in orientation for new  
4 employees, what do they have to go through during  
5 the orientation?

6 A It's a session where we talk about  
7 benefits, you know, describe the different plans,  
8 the observation, personal time, sick time at that  
9 point. We review a couple of policies, we talk  
10 about the history of the school at that point,  
11 the structure of the school.

12 Q And I know you said you were possibly  
13 involved in Ms. Payne's orientation, who  
14 generally administers the orientation?

15 A So I did at the time. When she was  
16 hired, it was myself and a couple of assistants.  
17 Shortly after Denise started I hired Julie Weaver  
18 as the assistant director, and from that point  
19 forward she took over the orientation of new  
20 employees.

21 Q Okay. Ms. Weaver is no longer with  
22 Cornell, correct?

23 A No, she left.

24 Q Do you recall when she left?

25 A In June she moved to Virginia.

1 Q Okay. Do you know of 2019?

2 A Uh-huh.

3 Q Is that a yes?

4 A Yes, sorry.

5 Q It's just for the transcript.

6 A Uh-huh.

7 Q Sorry. Did somebody else assume the  
8 assistant director role upon her departure?

9 A The position was filled, but we kind of  
10 restructured, such that instead of having the  
11 assistant directors be the initial point of  
12 contact for all client groups and own -- sort of  
13 speak to, you know, the school or department, the  
14 assistant directors became specialists. So I  
15 took on compensation and the replacement person  
16 for Julie took on all academic HR issues.  
17 Somebody else had employee relations and  
18 recruiting, somebody else had labor.

19 Q So at the time that Ms. Payne was hired  
20 in August of 2015 -- strike that. At the time  
21 that Ms. Weaver was hired, what were her duties  
22 as assistant director?

23 A So she was the person that employees and  
24 managers would initially contact with questions  
25 and she helped with some training and some

1 projects and recruitment.

2 Q Was part of her duties at that time to --  
3 to listen to or to take any employee complaints?

4 A Yes.

5 Q Did there come a time that you learned  
6 Ms. Payne was diagnosed with cancer?

7 A Yes.

8 Q And how did you learn that?

9 A She I believe told me by e-mail.

10 (EXHIBIT D MARKED FOR IDENTIFICATION.)

11 Q Ms. Doxey, I'm handing you what has been  
12 marked as Plaintiff's Exhibit D. I'd just ask  
13 that you review that and let me know when you've  
14 had a chance to do so.

15 A Okay.

16 Q Okay. Do you recognize this document?

17 A I do.

18 Q Okay. Would you agree that the bottom,  
19 the kind of starting e-mail from Denise Payne to  
20 yourself copying Margaret Shackell is an e-mail  
21 wherein she's telling you about her cancer  
22 diagnosis?

23 A Yes.

24 Q Do you recall receiving this e-mail?

25 A I do.

1 Q And you appear to respond that you were  
2 sorry to hear that and then also ask when she may  
3 be available for a quick chat, do you see that?

4 A Uh-huh.

5 MR. PENCE: Object to the form. The  
6 document speaks for itself.

7 Q Do you -- following this e-mail did you  
8 meet with Ms. Payne?

9 A I did.

10 Q Okay. When did you meet with Ms. Payne  
11 in response to this e-mail?

12 A I believe it was a few days after. I  
13 don't recall the exact date, but --

14 Q Okay. All right. So -- this e-mail is  
15 dated, or the last e-mail in this chain is dated  
16 June 20th, 2016, so would it be a few days after  
17 that?

18 A I don't recall specifically, but that's  
19 about the time frame.

20 Q Okay. And where did you meet with Ms.  
21 Payne at that time?

22 A In my office in Sage Hall, which would've  
23 been 221, I believe at that time.

24 Q Was anybody else present?

25 A Julie Weaver was.

1 Q Did you ask Ms. Weaver to attend the  
2 meeting?

3 A I did.

4 Q Why?

5 A Because she's the one who would typically  
6 meet with employees around their short-term  
7 disability and medical leave procedures.

8 Q And what did you, Ms. Weaver, and Ms.  
9 Payne discuss during that meeting?

10 A Certainly her expected time away needs,  
11 but we also were meeting to talk about other job  
12 possibilities.

13 Q Okay. Why were you meeting with Ms.  
14 Payne to speak about other job possibilities?

15 A She was working in the business  
16 simulation lab, which was a part-time job at what  
17 we call a C band. So the pay bands go from  
18 lowest A, up to the highest I. And so Denise was  
19 in a relatively entry level position, part time.  
20 There were some issues with her and one of the  
21 faculty members that frequently use that lab,  
22 some friction there. I think new faculty coming  
23 in were more interested in using the lab, but had  
24 request to use different software that Ms. Payne  
25 wasn't familiar with, so they were starting to

1 realize that perhaps they hired at the wrong  
2 level. I knew there was some friction there, so  
3 her supervisor Margaret Shackell-Dell (phonetic)  
4 was talking to me about, you know, is there other  
5 possibilities in the college, or in the school at  
6 the time. It had already been announced at that  
7 point that the three schools were going to be  
8 merging into the College of Business, so I knew  
9 that there was a possibility that other  
10 opportunities would be there, so I wanted to talk  
11 to her about what her interest was, what her  
12 availability would be, whether she wanted to  
13 think about a different option.

14 Q And were there specific roles or other  
15 job positions, specific job positions that you  
16 wanted to talk to her about, or were you trying  
17 to just determine generally if she'd be  
18 interested in taking another role?

19 A Both. So I knew that they were going to  
20 form what they were calling at the time the  
21 business analytics team, which had an opening.  
22 This was a team that was basically dealing with  
23 data for mostly academics, but also decision  
24 making, kind of, support for the deans. And I  
25 knew from my discussion with Margaret Shackell

1 that one of the reasons Denise took the part-time  
2 job was she was going through school, I believe  
3 she was getting her Master's in statistics, and  
4 so it seemed like a possibly good fit for her,  
5 that that might be a direction she wanted to go.

6 Q Did you speak to her about any other  
7 positions at that time?

8 A I think we talked about the possibility  
9 of faculty support had an opening; that's the  
10 administrative pool that supports faculty needs  
11 in the classroom. As I recall she has -- was  
12 less excited about that.

13 Q Okay. What did Ms. Payne say when you  
14 brought up, I don't want to say propose, but when  
15 you discussed the potential opening with the  
16 business analytics team, what was her reaction?

17 A She seemed excited about it and  
18 definitely wanted to -- to continue to have  
19 discussions.

20 Q At that time that you spoke to her about  
21 that possible position, was there a set  
22 understanding of what that position would be?

23 MR. PENCE: Object to form, but you  
24 may answer.

25 A There certainly was no job description,

1 there was only a concept at the time. So it was  
2 a general discussion, it wasn't here's the  
3 duties, you know?

4 Q Okay. But did you discuss with Ms. Payne  
5 what the general concept of what she would do in  
6 that role would be?

7 A Yes.

8 Q Did you have any discussions with her at  
9 that time about what the compensation for that  
10 role would be?

11 A I don't believe at that meeting we got  
12 into compensation.

13 Q Okay.

14 A Other than perhaps mentioning it's  
15 probably a higher level role.

16 Q At that time of that meeting was there  
17 also some understanding of what the compensation  
18 for that role would be?

19 MR. PENCE: Object to form. You may  
20 answer.

21 A Are you asking if I knew what it was, or  
22 if I discussed it with Denise?

23 Q Well, you already said you don't recall  
24 discussing it with Denise. Possibly mentioning  
25 that it was a higher level, but nothing specific.

1 So I guess my question is did you or HR generally  
2 have any understanding of what the compensation  
3 for that conceptualized role would be?

4 MR. PENCE: Object to form, but you  
5 may answer.

6 A In general, yes. From what I knew about  
7 the role it sounded like a data analyst. It  
8 sounded similar to another role we had, so, you  
9 know, I knew it was going to probably be an E  
10 band.

11 Q What role did it sound similar to?

12 A There were two other people in the  
13 department that did similar things, one was part  
14 time and one was actually vacant at the time, but  
15 it was a data analyst.

16 Q Okay. Can you just explain the concept  
17 of the pay bands to me?

18 A Uh-huh.

19 Q What the -- how you determine which band  
20 is -- goes to which role?

21 A Uh-huh, sure. So each of the pay bands  
22 has what we call generics, so there's a  
23 description of duties and of the characteristics  
24 that go into classifying a position. So it's  
25 education, it's experience, it's decision making

1 authority, it's impacts of -- if an error was  
2 made, how wide spread is that. It's who they  
3 interact with inside the university or outside.  
4 Whether they simply state the policy or they  
5 interpret it or they create it, or they  
6 negotiate. And so there's various different  
7 factors that go into classifying each of the  
8 positions.

9 Q Is it fair to say the more complex the  
10 position, the higher the pay band?

11 A Yes.

12 Q Are the pay bands used for both hourly  
13 and salaried employees?

14 A Yes.

15 Q Okay. Is there a difference in -- is  
16 there a difference in determining which pay band  
17 is going to be used for a certain role dependent  
18 on whether it's going to be hourly or salaried?

19 MR. PENCE: Object to form, but you  
20 may answer.

21 A The role is classified on the  
22 characteristics of the position, and part of that  
23 is what kind of decision making authority the  
24 position has. So in general bands A through D  
25 are all hourly; E roles are a mix, they can be

1 either exempt or non exempt; and then F and above  
2 are typically exempt if they meet the salary  
3 minimums.

4 Q All right. So going back to the meeting  
5 you had with Ms. Payne. So you spoke about the  
6 other job positions you discussed with her, and I  
7 believe you also mentioned you discussed with her  
8 at that time her expected time away?

9 A Uh-huh.

10 Q Okay. What did she say about what she  
11 expected to need in terms of being away from the  
12 college?

13 A I believe she said she'd have some  
14 treatment and need to be out for a little bit.  
15 She may have even had surgery that summer, but  
16 would expect to -- to be back by, I believe, late  
17 summer, early fall and so we had arranged for her  
18 to meet with Cindy Allen once she was able to  
19 come in and talk about the role.

20 Q How did you -- in what way did you  
21 arrange for her to meet with Cindy Allen?

22 A It was virtual e-mail introduction.

23 Q Besides discussing her anticipated time  
24 away or needed time away, did Ms. Payne discuss  
25 anything more about her diagnosis during that

1 meeting?

2 A Not that I recall.

3 Q Okay. Did she -- do you recall any  
4 discussion about possible accommodations at the  
5 university?

6 MR. PENCE: Object to form, asked and  
7 answered, but --

8 A Other than the time off she would need?  
9 I don't recall at that point getting into  
10 accommodations.

11 Q And at that time of Ms. Payne's cancer  
12 diagnosis there was a policy at Cornell for  
13 requesting disability accommodations, correct?

14 A Sure.

15 Q I'm going to show you what's been  
16 previously marked as -- by all means take as much  
17 time that you need to review it. My pretty much  
18 one and only question is going to be have you  
19 ever seen this before.

20 A Okay.

21 Q So I'll hand you what has been previously  
22 marked as Defendant's Exhibit 3. Put this to the  
23 side.

24 A Okay.

25 Q Okay. Have you reviewed Defendant's

1 Exhibit 3?

2 A Yes.

3 Q Have you ever seen this before?

4 A Yes.

5 Q You agree this is the disability  
6 accommodation policy at Cornell?

7 A Yes.

8 Q Okay. At the time of Ms. Payne's  
9 diagnosis, or when you found out about her  
10 diagnosis, what was the process for requesting  
11 disability accommodations at Cornell?

12 A The employee basically would need to  
13 request of local HR or the medical leaves  
14 administration.

15 Q When you say local HR, would that be  
16 something that an employee could do through Ms.  
17 Weaver?

18 A That's typically where it starts, yes.  
19 And then there's an official form that goes to  
20 the medical leaves administration.

21 Q Does an employee -- is an employee  
22 required to request a specific type of  
23 accommodation?

24 MR. PENCE: Object to form, but you  
25 may answer.

1 A Yeah, I'm not sure what your question is.

2 Q So when an employee is seeking an  
3 accommodation for a disability, is he or she  
4 required to request I need a -- this specific  
5 accommodation, or is it something other than  
6 that?

7 A Usually specific to what they need.

8 Q Okay. Do you know if Ms. Payne met with  
9 Ms. Allen regarding the potential data analyst  
10 role?

11 A I believe they did, yeah.

12 Q How were you aware of that meeting?

13 A I believe I saw an e-mail exchanged  
14 between them where Ms. Allen reached out to  
15 Denise who said, yes, she'd like to meet.

16 Q Did you ever speak to Ms. Payne about  
17 that meeting?

18 A I don't recall.

19 Q Okay. Did you ever speak to Ms. Allen  
20 about that meeting?

21 A I don't remember the specific meeting,  
22 but clearly she would've had to have agreed that  
23 it seemed like a good match and she'd like to  
24 hire her.

25 Q So was Ms. -- was Ms. Payne's assuming

1 that role, for her to take that role the data  
2 analyst position, did Ms. Allen have to approve  
3 of that?

4 MR. PENCE: Object to form.

5 A Yeah.

6 MR. PENCE: But you may answer.

7 A Yeah, I mean, as a hiring manager if she  
8 didn't feel like the skills were a match we  
9 wouldn't have put her there.

10 Q Okay. So is it fair to say -- strike  
11 that. Did you and Ms. Allen speak about hiring  
12 Ms. Payne before she was offered the data analyst  
13 role?

14 A Yes.

15 Q Okay. Tell me -- well, how many times  
16 did you speak to Ms. Allen about that?

17 A I'm not sure, one or two --

18 Q Okay.

19 A -- I'd say.

20 Q And what did you discuss specific about  
21 Ms. Payne when you spoke to Ms. Allen about her  
22 potentially assuming the data analyst role?

23 A What her needs were from the job, skill  
24 level-wise. Whether Denise seemed to have the  
25 potential to do the job, whether she could wait

1 the required time because Denise still was  
2 working for the business simulation lab and so  
3 she was going to phase out of that through the  
4 fall, so the timing, you know, whether that would  
5 work.

6 Q Okay. Did you and Ms. Allen -- well,  
7 strike that. Ms. Payne was ultimately offered  
8 the data analyst role, correct?

9 A Yes.

10 Q Did you and Ms. Allen prior to making the  
11 offer to Ms. Payne discuss the compensation for  
12 that role?

13 MR. PENCE: Object to form. You may  
14 answer.

15 A Yes.

16 Q Okay. And what did you and Ms. Allen  
17 discuss about what the compensation would be?

18 A In discussions with Ms. Allen and  
19 separately with Laura Syer, who was ultimately  
20 over this group and HR, we decided because it was  
21 a two band jump, which is very unusual --  
22 normally you would post these things, but because  
23 we were in a reorg situation with the formation  
24 of the college we had the flexibility to do some  
25 of this kind of movement. But because she had

1    been in a C level position we didn't know exactly  
2    what her skills and -- and abilities were.  We  
3    put her at the minimum of the band.

4           Q     Okay.  And what band was that, what was  
5    the minimum?

6           A     E, I don't remember exactly what the --

7           Q     Okay.

8                     MR. PENCE:  Make sure to let her  
9    finish the question.

10          Q     It happens all the time.  Goes against  
11   like normal conversation, but for the sake of our  
12   court reporter, try and do that.  So you've  
13   mentioned a couple of times today the joining or  
14   merger of different schools and a reorganization,  
15   can you just explain what happened, the merger of  
16   the three schools?

17          A     I'll try.

18          Q     Okay.

19          A     So apparently it was a concept that's  
20   been talked about for several decades, in fact,  
21   to take the three different schools at the  
22   university that were accredited as business  
23   schools and merge them together.  So the School  
24   of Hotel Administration, the Graduate School of  
25   Management, and the Dyson Undergrad School of

1 Economics and Applied -- Applied Economics and  
2 Management. So those were the three schools that  
3 were accredited through AACSB, which is the body.  
4 They made the announcement in December of '15  
5 that this college would launch in July of '16.  
6 There was no plan, there was no consultant, there  
7 was nobody familiar with mergers, acquisition  
8 kind of stuff. They said form some task forces  
9 and figure it out. It was a very chaotic time.  
10 All three schools had staff and departments in  
11 certain functions and so they were thrown  
12 together and people had new managers, they were  
13 moved to different locations, they were in new  
14 jobs, so very few people had accurate job  
15 descriptions, and we had to, you know, recreate  
16 policies and procedures, and platforms, and IT  
17 systems and it was a blur.

18 Q Has the merger been completed as of  
19 today's date?

20 A It's officially merged. There are still  
21 lots of changes going on. More and more things  
22 are being combined up at the central college  
23 level. So staff are being removed from the  
24 school that they used to report to, so diversity  
25 inclusion and student services and some of the

1 phase II kind of work. So initially it was your  
2 administrative functions and then it's moving  
3 into student services.

4 Q Okay. At the time that Ms. Payne was  
5 offered the data analyst role, was there a set  
6 job description for that role for her?

7 MR. PENCE: Object to form, asked and  
8 answered, but --

9 A Yeah, there wasn't an official job  
10 description. It was -- I think I listed five  
11 bullets, if you will, of what -- what we thought  
12 the -- the role would be. The business analytics  
13 team was brand new and they were figuring out  
14 what -- what the roles were going to be and what  
15 the work needed.

16 Q Okay. At the time that the offer was  
17 made to Ms. Payne what was the understanding of  
18 what that role would be, what she would be doing?

19 MR. PENCE: Object to form.

20 A So rankings and surveys I think was one  
21 of the things that I think they were hoping that  
22 she would eventually learn and take on. There  
23 were a platform or an application called activity  
24 insight, which captures all of the faculty  
25 information on what their activity was, where

1 they're publishing and that kind of thing. So  
2 she was helping in that software. General  
3 querying of databases and helping, you know, pull  
4 reports together.

5 Q Anything else?

6 A That's what I remember.

7 Q Okay. And who would Ms. Payne be  
8 reporting to?

9 A Initially it was Cindy Allen and then  
10 Cindy put Tammy Lindsay in charge of a couple  
11 other people.

12 Q For how long was Ms. Payne reporting to  
13 Ms. Allen before Ms. Lindsay was put into place?

14 A I don't recall exactly. I want to say a  
15 couple of months maybe.

16 Q Do you recall when Ms. Lindsay assumed  
17 the role of being Ms. Payne's supervisor?

18 A Not exactly, no.

19 Q Okay. Was Ms. Lindsay a new hire to the  
20 university at the time, or had she worked for the  
21 university already?

22 A She had worked for the university for a  
23 good number of years. I want to say ten-ish, but  
24 I'm not exactly sure.

25 Q Okay. Okay. I'll show you what's been

1 previously marked as Defendant's Exhibit 9. It's  
2 just the offer letter. I'll just have you take a  
3 look at that and let me know when you've had a  
4 chance to do so.

5 A Okay.

6 Q Okay. Have you ever seen this before?

7 A I have.

8 Q Okay. This appears to be Ms. Payne's  
9 offer letter from you dated September 23rd, 2016;  
10 is that correct?

11 A That is correct.

12 Q Okay. And it starts with Dear, Denise,  
13 on behalf of Cindy Allen, do you see that?

14 A Uh-huh.

15 Q Did you discuss the substance of this  
16 offer letter with Ms. Allen?

17 A Yes.

18 Q Okay. Did you -- did you draft this  
19 offer letter, or did Ms. Allen, or someone else?

20 A I did.

21 Q Okay. You testified that Ms. Payne was  
22 placed in a pay band E for the data analyst role,  
23 correct?

24 A That's right, yep.

25 Q And that was the lowest pay band for that

1 role?

2 MR. PENCE: Object to form. I don't  
3 think that's what the witness said.

4 A No, so she was placed at the minimum of  
5 that title, which there are multiple titles in  
6 each pay band and so each one has a minimum  
7 market rate and a max.

8 Q Do you know what the max pay band was for  
9 that title?

10 A I don't.

11 Q At the time that Ms. Payne was made the  
12 offer, provided the offer letter, did she discuss  
13 with you the compensation arrangement?

14 A I don't recall a lot of discussion about  
15 it.

16 Q Did she ever discuss with you her being  
17 placed at the band E level?

18 A It would've been part of the offer. I'm  
19 not sure there was much discussion.

20 Q Are you aware of any -- strike that. At  
21 any point in time that Ms. Payne was in the data  
22 analyst role did she ever complain to you about  
23 being compensated at a pay level E or pay band E?

24 A Her complaints were about being at the  
25 minimum of the E band.

1 Q How many times did she complain about  
2 being at the minimum of the E band?

3 MR. PENCE: To her?

4 MS. VINCI: Yes.

5 A I had one personal discussion with her a  
6 year after. I'm aware that when the pay bands  
7 shifted in July she fell below the new minimum  
8 and she brought that to Julie's attention and we  
9 corrected that.

10 Q Sorry. When the pay bands shifted?

11 A So central compensation does a market  
12 analysis survey work every spring and if  
13 warranted, the market has shifted, they change  
14 the pay bands as of July 1. And apparently that  
15 happened in the data analyst role.

16 Q And you said she brought that to the  
17 attention of Ms. Weaver and you guys fixed that?

18 A Uh-huh.

19 Q What did you do to fix it?

20 A Brought her back up to the new minimum.

21 Q Okay. Going back to the personal  
22 discussion that she had with you. You said it  
23 was about a year after, a year after what?

24 A After she started in the role she  
25 declined a meeting that Laura Syer set up because

1 she didn't know what the content or purpose was  
2 and asked me if I knew. And I said, yes, I can  
3 tell you about that. And so she came in and we  
4 discussed a couple of things, but one of which  
5 was her disappointment at the pay.

6 Q And what did she express to you as to why  
7 she was disappointed in the pay? What was  
8 disappointing her?

9 A She felt like she had years of experience  
10 at the university that we were not considering  
11 and that she should not have been at the minimum.

12 Q And what was your response to that?

13 A I said that I would look at it again and  
14 we discussed the fact that she had -- because she  
15 was only working part time, she was put in an  
16 hourly position when she would've been eligible  
17 for exempt or salaried based on that particular  
18 role and title. And because of that she had to  
19 use her HAP time, health and personal, for all  
20 missed work. And I had said I would look into  
21 possibly reinstating the little bits of HAP she  
22 had to use for a doctor's appointment here or  
23 there.

24 Q Do you recall how much HAP time you  
25 looked into potentially reinstating for her at

1 that time?

2 A It actually ended up being maybe four  
3 hours or so of HAP and a fraction of an hour on  
4 vacation.

5 Q And were you able to reinstate any of  
6 that time for her?

7 A Unfortunately, no. We made the proposal  
8 to Laura Syer to increase her pay and to give  
9 back that time and Laura felt like there was, at  
10 that point, too much uncertainty about the role  
11 and the future of the department, and Denise's  
12 performance that she'd rather not at that point  
13 make the adjustments.

14 Q Okay. Did Ms. Syer say to you that she  
15 did not want to make those adjustments because of  
16 this?

17 A (Witness Nodded Head.)

18 Q Did she --

19 A She actually said it to Julie Weaver.  
20 Julie was the one that talked to Laura.

21 Q Okay. And then did you speak to Ms.  
22 Weaver about Ms. Syer's decision?

23 A Yes.

24 Q Okay. Okay.

25 MS. VINCI: If we can just take a

1 quick five minute break.

2 MR. PENCE: Sure.

3 (OFF THE RECORD.)

4 Q Ms. Doxey, before the break we were  
5 discussing a meeting you had with Ms. Payne, I  
6 believe you said about a year after she assumed  
7 the data analyst role where she discussed her  
8 dissatisfaction at her pay band level; do you  
9 recall that?

10 A I do.

11 Q Okay. And you testified that you were  
12 aware of a conversation between Ms. Weaver and  
13 Ms. Syer regarding Ms. Syer's decision not to  
14 change Ms. -- Ms. Payne's pay level and also not  
15 to reimburse or reinstate some HAP time.

16 MR. PENCE: Objection. I believe  
17 that mischaracterizes the testimony, but  
18 that --

19 MS. CROSS DORN: There's no question  
20 pending.

21 MR. PENCE: Okay. Well, still, it's  
22 -- mischaracterizes, but go ahead.

23 Q All right. So I'll rephrase. I believe  
24 before the break you had testified that Ms.  
25 Weaver told you about Ms. Syer's decision related

1 to reimbursing or reinstating some HAP time for  
2 Ms. Payne; is that correct?

3 A That is correct.

4 Q Okay. And at that time Ms. Syer, to your  
5 understanding, was -- there was too much  
6 uncertainty about the role and the department, so  
7 she determined not to reinstate the HAP time; is  
8 that accurate?

9 A Denise was in an non-exempt position, an  
10 hourly position, which means that you would have  
11 to account for all hours of the day, so if you  
12 don't work, you have to use your health and  
13 personal or your vacation. Because she was not  
14 in an exempt position, which she had wanted to  
15 be, but was not put in at an exempt position. In  
16 an exempt role you wouldn't have had to use tiny  
17 bits of time to fill up your day, you're paid for  
18 the work that you do, and the result's not your  
19 time. So Denise kept wanting to be put in an  
20 exempt role, which requires, you know, a level of  
21 discretion and decision making and there was, you  
22 know, not the security that Denise was handling  
23 all of her time off requests and communication to  
24 be put in that exempt role.

25 Q When you say there was not the security

1 that Denise was handling her time off requests,  
2 we'll start with that, what do you mean by that?

3 A A lot of the friction, as I understand  
4 it, between Denise and Tammy and Cindy was she  
5 wasn't following their direction on how to record  
6 or ask for time off, how to put it on the  
7 calendar, how to give proper notice in advance  
8 when she knew it.

9 Q And how were you aware of this friction  
10 between Denise and Tammy and Lindsay? Or Tammy  
11 and Cindy, I'm sorry.

12 A Yeah. Denise would frequently e-mail  
13 about her happiness about how she felt Tammy was  
14 treating her, and correcting her timecard, and  
15 not allowing her to work from home, and --

16 Q When you say frequently, how frequently  
17 would she e-mail with, let's start with you  
18 personally about that?

19 A She I don't think ever e-mailed me alone  
20 directly. I was copied on many things. So most  
21 of her communication was with Julie and I was  
22 copied. So aware from a high level standpoint,  
23 but I wasn't involved in the daily discussions  
24 and e-mails and phone calls.

25 Q Okay. How often would she e-mail Julie

1 copying you regarding this issue with Ms.  
2 Lindsay?

3 A I'm not sure.

4 Q Okay. Was -- do you know how many times  
5 overall she e-mailed about this issue that you  
6 were copied on?

7 A At least several.

8 Q What do you consider several times?

9 A I don't know, maybe once a month over the  
10 year, year and a half.

11 Q Okay. Did you ever discuss Ms. Payne's  
12 complaints in these e-mails or concerns in these  
13 e-mails with her?

14 A I did not speak to her directly on any of  
15 this until that meeting in, I think it was  
16 September, when she wanted to know what the  
17 meeting was about with Laura.

18 Q Okay.

19 A So all of her communications around her  
20 frustrations were with Julie.

21 Q Okay. Did you ever speak to Ms. Weaver  
22 about Ms. Payne's frustrations, as you've termed  
23 them?

24 A In our usual, you know, one-on-one  
25 meetings.

1 Q Okay.

2 A And --

3 Q Sorry, go ahead.

4 A So it would be weekly meetings about all  
5 of her clients and Denise, you know, and  
6 everybody would come up occasionally.

7 Q And what did you and Ms. Weaver discuss  
8 regarding Denise's frustrations in these e-mails?

9 A Julie would go back to either Tammy or  
10 Cindy and/or Denise trying to get them to be on  
11 the same page, if you will. Denise and -- I  
12 mean, Cindy and Tammy were managers who did  
13 things by the books. They were, you know, tough  
14 managers for, you know, demanding. They weren't  
15 wrong in what they were doing as far as following  
16 policy. And Denise, I think, was looking for a  
17 little more flexibility and freedom to do what  
18 she wanted from a scheduling standpoint.

19 Q When you say that Tammy and Cindy were  
20 not wrong in what they were doing by the policy,  
21 what were they doing that was not wrong?

22 A One of the things that, excuse me, Denise  
23 complained about was that Tammy would correct her  
24 timecard. So Denise would put more of the HAP  
25 time on than she had and so Tammy would take it

1 off. Or Denise wanted to, said she wanted to  
2 work from home and Tammy would say that you  
3 didn't get that pre-approved, or you're too ill  
4 to work in the office so you're probably too ill  
5 to work at home, so go home and rest and take  
6 care of yourself.

7 Q Are you aware of the concept of a  
8 flexible work arrangement?

9 A I am.

10 Q Or work agreement.

11 A Uh-huh.

12 Q That is something offered to employees at  
13 Cornell; is that correct?

14 A It is, yes.

15 Q Can you explain in your own words what  
16 that is, what those arrangements are?

17 A The employee can request to either work  
18 compressed work, or work in a different location,  
19 or work a different schedule and there's a  
20 specific form that gets filled out once the  
21 supervisor and the employee agree to what will  
22 work from a business standpoint and the employee  
23 standpoint and things are documented on hours and  
24 location.

25 Q And you're -- are you aware that Ms.

1 Payne was on a -- had a flex work arrangement  
2 with Cornell?

3 A Three different ones, I believe, yes.

4 Q Okay. Did you -- have you ever seen  
5 those agreements?

6 A Yes.

7 Q Okay. Did you see them at the time that  
8 they were being negotiated and -- and signed  
9 while Ms. Payne was working for Cornell?

10 A No, I wasn't involved in the drafting of  
11 them or the signing of them.

12 Q Okay. Is HR involved at all in the, I'll  
13 call it the negotiation of those agreements  
14 between the employee and their respective  
15 supervisor?

16 MR. PENCE: Object to the form. You  
17 may answer.

18 A Not always. If things are straight  
19 forward or can be worked out between the  
20 supervisor and the employee, HR doesn't need to  
21 get involved, but we certainly can.

22 Q Okay. And you said, I believe, you were  
23 not involved in negotiating or drafting Ms.  
24 Payne's work agreements?

25 A No.

1 Q Okay. Do you know if anyone from HR was?

2 A Julie was.

3 Q Do you know why Julie was involved in Ms.  
4 Payne's work arrangements, or work agreements  
5 rather?

6 A I think Denise felt more comfortable  
7 having somebody else involved. Denise -- I mean,  
8 Cindy and Tammy felt like they wanted people  
9 available even from home on very specific hours,  
10 and so Julie would help comprise on, no, I think  
11 she can start earlier or work later if need be  
12 with the work that she does.

13 Q Do you know if Julie was involved in all  
14 three of Ms. Payne's work agreements?

15 A I believe so.

16 Q Do you recall or do you know when the  
17 first work arrangement was signed?

18 A I think it was shortly after she had  
19 gotten back from leave, so I want to say January,  
20 but I'm not entirely sure.

21 Q And you just mentioned a leave, she went  
22 on -- she meaning Ms. Payne --

23 A Yeah.

24 Q -- went on a medical leave in the fall of  
25 2016, do you recall that?

1 A Yes.

2 Q Do you recall the span, the time span  
3 that she was out?

4 A I believe she was out for several months.  
5 I want to say October, November, December.

6 Q Okay. So looking back to Exhibit 9,  
7 which is the offer letter. So this offer letter  
8 states that the role would be effective September  
9 19th, 2016; do you see that?

10 A Uh-huh, yep.

11 Q And that she would be in kind of this  
12 traditional role in working two positions until  
13 December 31st, 2016; do you see that?

14 A Uh-huh.

15 Q Okay. Is that a yes?

16 A Yes.

17 Q Okay.

18 A Sorry.

19 Q For the time period that Ms. Payne was on  
20 medical leave, was anybody hired to cover the two  
21 roles that she was supposed to have been  
22 performing?

23 A No.

24 MR. PENCE: Object to form, but --

25 Q Do you know what -- what the arrangement

1 was that Ms. Payne ultimately came to with Ms.  
2 Lindsay and Ms. Allen related to her flex work  
3 agreements, what the agreement was?

4 MR. PENCE: Sorry, which one?

5 MS. VINCI: The first one, sorry, the  
6 first one.

7 A Originally there was just an  
8 understanding that oh, sure, you can take  
9 whatever time you need, but I believe the first  
10 formalized one was allowing her to work earlier  
11 or later. I don't remember the details.

12 Q Did you ever discuss with Ms. Lindsay any  
13 of the arrangements in the flex work agreements  
14 with Ms. Payne?

15 MR. PENCE: All three or just --

16 MS. VINCI: Yep.

17 MR. PENCE: -- one in particular?

18 Q At any point in time did you discuss the,  
19 for lack of a better word, the accommodations to  
20 Ms. Payne in any of her work flex agreements?

21 MR. PENCE: Object to form, but you  
22 may answer.

23 A Not specific to the flex arrangement  
24 forms themselves. The discussion -- you know,  
25 most of these again were between Julie and Tammy,

1 but the discussion I was involved in was after  
2 Denise had come back from leave. She'd worked a  
3 while on Memorial Day. She let us know that she  
4 didn't get the right holiday pay, that she got  
5 six hours instead of eight hours and we said,  
6 well, that's correct for a 30 hour employee, and  
7 she said, oh, no, I'm full time now. So we were  
8 not aware that she had moved back to full time  
9 status as of April. So we got the holiday  
10 corrected and that's when we talked to Tammy  
11 about now that she's back to full time, she would  
12 be eligible to be exempt and they said, well, we  
13 have some concerns about whether she is working  
14 the hours she is supposed to be, that she's using  
15 the flex arrangement appropriately versus for  
16 longer lunches or bank runs or, you know,  
17 personal things instead of the medical situation.  
18 And they were starting to be concerned about some  
19 -- her not being in the office enough to train to  
20 have enough work to give her and some data entry  
21 accuracy.

22 Q Was that the first time that Ms. Lindsay  
23 had brought those concerns to your attention?

24 A Yes.

25 Q Okay. And was it just Ms. Lindsay or did

1 you also speak with Ms. Allen?

2 A It was Ms. Allen, Ms. Lindsay, Julie and  
3 myself.

4 Q Okay. And was this in one specific  
5 meeting that you had --

6 A Yes.

7 Q -- all together?

8 A Uh-huh.

9 Q When was that meeting?

10 A I want to say June. I don't remember the  
11 exact date.

12 Q Okay. And how did that meeting come to  
13 be? Did they reach out to -- did someone reach  
14 out to you, or did you reach out to Ms. Lindsay  
15 or Ms. Allen?

16 A Julie arranged it because she wanted to  
17 talk about now that she was back to full time,  
18 should we consider moving Denise to exempt.

19 Q Where did that meeting take place?

20 A I want to say it was in the ground floor  
21 conference room at SHA, hotel school.

22 Q How long was that meeting for?

23 A I don't recall. An hour maybe.

24 Q I just want to go through one by one the  
25 concerns that you mentioned being brought up to

1 you during the meeting. So you said that there  
2 was a concern expressed by Ms. Lindsay about Ms.  
3 Payne misusing her time or misusing her  
4 flexibility in time under the arrangement; is  
5 that accurate?

6 A Yes.

7 Q And what did Ms. Lindsay say to you about  
8 that during the meeting?

9 A She felt like the flex arrangement was  
10 sometimes perhaps being taken advantage of. That  
11 she was -- Denise was taking longer lunches with  
12 colleagues, that she was doing banking on lunch  
13 times, that she was moving maybe, that there were  
14 things that she was doing using the flex  
15 arrangement for not medical means.

16 Q Did Ms. Lindsay indicate how often she  
17 believed this was happening?

18 A I don't recall her saying specifically.

19 Q Did Ms. Lindsay provide any proof that  
20 the times that she believed were being used for  
21 non-medical use were -- or non-medical reasons  
22 were actually used for non-medical reasons?

23 MR. PENCE: Object to form.

24 A I'm not sure how she came to that  
25 conclusion. That was just what she told us.

1 Q Okay. Okay. Did Ms. Allen say anything  
2 about that?

3 A I don't recall what her comments were, if  
4 any.

5 Q And what, if anything, was your response  
6 to that to Ms. Lindsay?

7 A We encouraged her to talk to Denise again  
8 about asking in advance per the guidelines they  
9 had already laid out, and what the flex  
10 arrangement was for and to discuss any  
11 performance or accuracy issues they had with her.

12 Q So you just said you encouraged Ms.  
13 Lindsay to speak to Ms. Payne again. Are you  
14 aware of any conversations between Ms. Lindsay  
15 and Ms. Payne regarding Ms. Payne's, or the  
16 perception that Ms. Payne was misusing the  
17 flexibility in her time?

18 A It was more how Tammy was very specific  
19 in how she wanted Denise to let her know when she  
20 was going to be taking advantage of the flex  
21 arrangement. She wanted Denise to put it on her  
22 -- on Tammy's calendar and she kept neglecting to  
23 do that with her. Whether she forgot, or didn't  
24 want to, or didn't know how to, I'm not sure, but  
25 that was a repeated concern.

1 Q I believe you also mentioned that during  
2 this meeting there was also a concern about Ms.  
3 Payne not being in the office?

4 A (Witness Nodded Head.)

5 Q Is that a yes?

6 A Yes.

7 Q Okay.

8 A For training purposes and so they wanted  
9 her to take over surveys and rankings and to do  
10 that she had to sit with another member of the  
11 team. And so by working remotely that made that  
12 difficult to get the training done to transfer  
13 the work.

14 Q Who brought this concern to your  
15 attention during that meeting?

16 A Tammy would've.

17 Q And what was your response, if any, to  
18 this concern brought about by Tammy -- brought up  
19 by Tammy?

20 A I don't recall honestly. Other than, you  
21 know, we had multiple conversations about you  
22 need to -- to lay out what you need from a  
23 business standpoint, but you also need to be  
24 reasonable in what she is able to do physically  
25 and if the training can't happen in person, could

1 it be by e-mail, could it be by phone.

2 Q Did you have any opinion as to whether  
3 Ms. Lindsay's -- what she was requesting of Ms.  
4 Payne was reasonable or not?

5 MR. PENCE: Object to form.

6 A I don't know the work well enough to know  
7 whether she could have done all of it remotely.  
8 We do understand that, you know, people need to  
9 be available for phone calls or for questions  
10 during the work hours.

11 Q So is it fair to say you didn't -- did  
12 not have an opinion on whether or not what was  
13 being asked of Ms. Payne was reasonable?

14 MR. PENCE: Object to form.

15 A I think the letting them know in advance  
16 when she had appointments, notifying them how  
17 they wanted to be notified, those were all  
18 reasonable.

19 Q Did you ever discuss these concerns that  
20 Ms. Lindsay and Ms. Allen brought to your  
21 attention with Ms. Payne?

22 A Not personally, no.

23 Q Do you know if Ms. Weaver did?

24 A I believe so.

25 Q And what is the basis for that belief?

1           A       Conversations Julie and I would have just  
2       updating on issues across her clients.

3           Q       Okay. And did she express to you during  
4       these conversations that she spoke with Ms. Payne  
5       regarding the concern that she was misusing the  
6       flexibility in her time?

7           A       I don't recall if she had that  
8       conversation directly with Denise.

9           Q       Okay. And during your conversations with  
10      Ms. Weaver did she ever indicate that she spoke  
11      to Denise about the concern over her not being in  
12      the office often enough?

13          A       I think most of my recollection of what  
14      Julie would talk to Denise about is how to record  
15      or how to communicate her time off or her  
16      scheduling needs. And that when she was too ill  
17      to stay in the office because she didn't feel  
18      well, that it wasn't unreasonable for us to say  
19      then take some health and personal time and go  
20      rest, but if you can't work in the office, I'm  
21      not sure why you could work at home. What the  
22      difference would be if you have a headache or  
23      heart palpitations or whatever. So those were  
24      some of the conversations she had with her.

25          Q       Okay. And do you know what Ms. Payne's

1 response was to Ms. Weaver during those  
2 conversations?

3 A I'm not -- not being there, I don't know  
4 exactly, no.

5 Q Okay. After the, I believe you said the  
6 June 2017 meeting with Ms. Allen and Ms. Lindsay,  
7 did Ms. Allen or Ms. Lindsay ever bring up these  
8 concerns again to your attention regarding Ms.  
9 Payne's performance?

10 A Not in a meeting, not directly to me.

11 Q Okay. Do you -- sorry are you finished?

12 A Yep.

13 Q Okay. Do you know if they brought these  
14 concerns up again to Ms. Weaver?

15 A By virtue of the fact that there were  
16 several flex agreements, I'm assuming there was  
17 some continued discussions about scheduling  
18 needs.

19 Q Okay.

20 A But I don't know the specifics of it.

21 Q Okay. Did Ms. Payne ever raise concerns  
22 with you regarding how Ms. Lindsay was acting in  
23 light of the flex agreements?

24 A Only by copying me on e-mails.

25 Q And were those the e-mails that you

1 referred to earlier about Ms. Lindsay taking time  
2 off of her timecard and --

3 A Uh-huh.

4 Q -- not allowing her -- or not approving  
5 her requests to work from home?

6 A Yes.

7 Q Okay. Did there come a time where Ms.  
8 Payne advised you she believed she was not -- her  
9 disability was not being accommodated or she was  
10 not getting accommodations?

11 A Yes, she had been I believe encouraged by  
12 Julie several times that if she felt that way  
13 after multiple versions of a flex arrangement  
14 that she should file a formal request for  
15 accommodations with the university.

16 Q Okay.

17 (EXHIBIT E MARKED FOR IDENTIFICATION.)

18 Q Ms. Doxey, I'm going to show you what's  
19 been marked as Plaintiff's Exhibit E. I'll ask  
20 you to take your time to review that. Let me  
21 know when you've had a chance to do so.

22 A Okay.

23 MR. PENCE: Counsel, do you have the  
24 attachment that is a part of this?

25 MS. VINCI: I do not unfortunately,

1 but I'm not going to be asking questions  
2 about the attachment either.

3 Q Okay. Ms. Doxey, have you reviewed  
4 Plaintiff's Exhibit E?

5 A Yes.

6 Q Have you ever seen this before?

7 A Yes.

8 Q Okay. This appears to be an e-mail chain  
9 between yourself, Ms. Weaver, and Ms. Payne,  
10 which begins with Ms. Payne reaching out to you  
11 and Ms. Weaver regarding what she believed was a,  
12 quote, lack of accommodation; do you agree with  
13 that?

14 MR. PENCE: Object to form. The  
15 document speaks for itself.

16 A Yes, that's what it says.

17 Q And at the top e-mail Ms. Weaver  
18 indicates that she and you are, quote, slated to  
19 meet with Tammy and Cindy late next week, do you  
20 see that?

21 A That Julie and I --

22 Q Yep.

23 A -- are slated to meet, yeah.

24 Q Did you meet with Ms. Weaver -- with Ms.  
25 Allen and Ms. Lindsay following this e-mail as

1 referenced by this e-mail here?

2 A I don't recall if there was a meeting  
3 with the four of us. I only remember the one.  
4 There was one in August that Denise was present  
5 at, but --

6 Q Okay. So you recall the June meeting and  
7 then a meeting in August we have yet to discuss?

8 A Right.

9 Q But you don't recall a meeting  
10 specifically following this e-mail?

11 A Unless my timeline is off and that's the  
12 one I'm thinking of, but I only remember two  
13 meetings.

14 Q Okay.

15 A One without her and one with her.

16 Q That's fine. Okay. You had mentioned  
17 that Ms. Weaver had encouraged Ms. Payne to seek  
18 formal accommodations from the school?

19 A Uh-huh.

20 Q Do you know if Ms. Payne did that?

21 A She did eventually, yes.

22 Q Do you know when she began the process  
23 for doing that?

24 A I believe it was July.

25 Q Okay. So July of '17?

1 A Yes.

2 Q Okay. How were you aware that she  
3 started the process in July of 2017?

4 A I believe she told us by e-mail.

5 Q Okay. Did you have any involvement in  
6 assessing her request for accommodations?

7 A No, that would've been done by the  
8 medical leaves administration.

9 Q Okay. Do you know if anyone from HR  
10 worked with the medical leaves administration  
11 regarding her -- Ms. Payne's request for  
12 accommodation?

13 A I believe Julie was in touch with Jill  
14 Tubbs was her name.

15 Q And Ms. Payne was granted accommodations,  
16 correct?

17 A Yes.

18 Q Do you recall what those accommodations  
19 were?

20 A That I don't remember specifically what  
21 it said, but basically she can have a flexible  
22 arrangement to deal with medical appointments and  
23 when she's not feeling well from treatments and  
24 medications that she can work from home or work  
25 the flex arrangement.

1 Q Do you recall when her request was  
2 granted?

3 A I want to say late July maybe.

4 Q Okay. I might have a copy of this one.  
5 I'll show you what's previously been marked as  
6 Defendant's Exhibit 6. Just ask you to review  
7 that and let me know when you've had a chance to  
8 do so.

9 A Okay.

10 Q Okay.

11 A Uh-huh.

12 Q Have you ever seen this before?

13 A Yes.

14 Q Okay. When was the last time you saw it?  
15 Well, strike that. Did you see this letter at or  
16 around the -- the August 2nd date that is at the  
17 top?

18 A Yes.

19 Q Okay. And this you would agree is the  
20 letter to Ms. Payne approving her disability  
21 accommodations at Cornell, correct?

22 A Yes.

23 Q You've mentioned not too long ago a  
24 meeting in August that Ms. Payne was present for.  
25 Was that meeting held before or after this

1 letter, if you can recall?

2 A After this letter, in response to this  
3 letter to sit with all parties to make sure  
4 everybody understood what Denise was asking for  
5 and what the university approved and would  
6 support.

7 Q Okay. Do you recall when in August that  
8 meeting took place?

9 A Not specifically. It was very shortly  
10 after this though (indicating).

11 Q Okay.

12 MS. VINCI: Just let the record  
13 reflect the witness pointed to the exhibit.

14 Q Who attended that meeting?

15 A Julie Weaver, Denise Payne, Cindy Allen,  
16 Tammy Lindsay and myself.

17 Q Okay. And correct me if I'm wrong, the  
18 meeting was to understand the accommodations that  
19 had been approved for Denise; is that accurate?

20 A That is accurate.

21 Q Okay. Was anything else discussed at  
22 that meeting?

23 A We were getting an explanation from  
24 Denise as to what her specific needs are. This  
25 letter doesn't say anything different than what

1 some of the previous flex arrangements said, so  
2 we were specifically trying to outline what are  
3 the hours that she can work. And Tammy and Cindy  
4 were trying to understand the why of it. Denise  
5 wanted to be able to work from very early in the  
6 morning and they were trying to say we need you  
7 to work 8:00 to 4:30 and so we were trying to  
8 come to a compromise, or to an understanding of  
9 Denise's situation and that the medication she  
10 was on would sometimes, you know, give her  
11 insomnia or, you know, she slept later because  
12 she couldn't sleep, or she was feeling ill or  
13 whatever, so it was a conversation about the  
14 specifics of why she was asking. There was  
15 discussion about she wanted to leave early a  
16 couple of days to go to a chiropractor and we  
17 weren't sure whether that was specific to her  
18 treatment and condition, so I remember saying we  
19 would touch base with Jill in medical leaves who  
20 would reach out to the doctor and confirm that  
21 that was part of the necessary treatment.

22 Q During this August meeting did -- do you  
23 recall Ms. Lindsay expressing that she was  
24 unhappy about having to accommodate Ms. Payne?

25 MR. PENCE: Object to form.

1           A     I don't think she said she was unhappy.  
2     She was trying to understand why and she was  
3     relaying her need for why she wants Denise to be  
4     available during the business hours so that she  
5     can connect with other people and answer any  
6     questions and get training, et cetera.

7           Q     During this meeting did Ms. Lindsay ever  
8     indicate that she believed enough accommodations  
9     had been given to Ms. Payne?

10                   MR. PENCE: Same objection.

11           A     I don't recall her saying that.

12           Q     During this meeting did Ms. Lindsay  
13     question why she had to be there?

14           A     Why Tammy had to be at the meeting?

15           Q     Yes.

16           A     I don't recall that, no.

17           Q     During the August meeting did Ms. Lindsay  
18     ask that the accommodations be changed or revised  
19     in any way?

20                   MR. PENCE: Object to form.

21           A     I mean, it was a give and take  
22     conversation, so --

23           Q     I'll withdraw the question. I'll  
24     rephrase it. During the August meeting did you  
25     at any point agree to go back to the medical

1 leaves office to reassess whether the  
2 accommodations were necessary?

3 A The piece about the chiropractic and  
4 needing to leave several days early to go to this  
5 and how long that would be for.

6 Q Did you follow up with medical leaves on  
7 that?

8 A Julie did.

9 Q Okay. Do you know what the decision was  
10 regarding that?

11 A I believe it was deemed part of her  
12 treatment and she was allowed to leave at 3:30 I  
13 think.

14 Q Okay. During the August meeting besides  
15 discussing her need for accommodations, did Ms.  
16 Payne say anything else about how -- about  
17 working with Ms. Lindsay?

18 A I'm not sure what you're asking.

19 Q Okay. During the August meeting did Ms.  
20 Payne ever complain that Ms. Lindsay was not  
21 giving her the accommodations she had been  
22 approved of -- for?

23 MR. PENCE: Object to form.

24 A I mean, that was the purpose of the  
25 meeting, is to clarify that and to make sure

1 everybody knew this was approved, we had to  
2 follow this and let's figure out what that means,  
3 so I'm not sure.

4 Q Okay. So at the August meeting did Ms.  
5 Payne ever express that prior to the meeting she  
6 had, in her perception, been denied  
7 accommodations by Ms. Lindsay?

8 MR. PENCE: Object to form. The  
9 document seems to suggest that the  
10 accommodations were approved August 2nd.  
11 When would she have been complaining about  
12 a period of time?

13 MS. VINCI: Before August 2nd.

14 MR. PENCE: When there were no  
15 accommodations approved?

16 MS. VINCI: When there was a flex  
17 arrangement. So I'll rephrase.

18 Q At the August meeting did Ms. Payne ever  
19 express that she -- that Ms. Lindsay had not  
20 allowed her the flexibility she was granted in  
21 her prior work arrangements?

22 A I think she felt like there were times,  
23 as well as Tammy feeling like there were many  
24 times when Denise didn't need it or didn't follow  
25 the rules, so there was some back and forth.

1 Q Okay. Following the August meeting, were  
2 there any changes, aside from specifying what the  
3 accommodations were, rather than just the general  
4 list in the letter --

5 A Uh-huh.

6 Q -- but determining what would work for  
7 all of the parties? Were there any other changes  
8 to Ms. Payne's work structure?

9 MR. PENCE: Object to form, vague.

10 Q Did there come a time where Ms. Lindsay  
11 stopped supervising Ms. Payne?

12 A Yes.

13 Q Okay. When did that happen?

14 A I don't remember specifically on what  
15 date. I'm thinking September-ish.

16 Q Okay. And why was that?

17 A There obviously was some friction between  
18 the two and it became clear that Tammy wanted to  
19 work from home as well and the college was in  
20 discussions with leadership about flex  
21 arrangements for managers in general. And the  
22 dean at the time, and Laura Syer talked to all  
23 managers and said the college's philosophy is  
24 that managers may only work one day remotely,  
25 that they needed to be in the office in order to

1 properly supervise people. And so Denise -- or  
2 not Denise. Tammy moved quite a distance away  
3 and wanted a remote work arrangement herself that  
4 was more than one day. And so we gave her the  
5 option, do you want to stay as a manager? In  
6 which case you have to be in the office; or do  
7 you want to step out of management and keep the  
8 arrangement? And that's what she chose.

9 Q Okay. So is it fair to say that Ms.  
10 Lindsay stopped supervising Ms. Payne because she  
11 chose to step out of a manager role?

12 A Yes.

13 Q At the time that Ms. Lindsay stopped  
14 supervising Ms. Payne who took over as Ms.  
15 Payne's supervisor?

16 A Cindy Allen.

17 Q For how long did Ms. Allen supervise Ms.  
18 Payne after Ms. Lindsay?

19 A It wasn't very long because Cindy took  
20 another job and moved to the engineering college.  
21 I would guess a month, maybe a little longer.

22 Q And who replaced Ms. Allen?

23 A Then both Tammy and Denise would report  
24 to Laura Syer.

25 Q Do you know if Ms. Lindsay retained any

1 oversight over Ms. Payne after she stepped down  
2 from the manager's role?

3 MR. PENCE: Object to form, but you  
4 may answer.

5 A Since Denise was doing surveys and  
6 rankings that are very crucial to the school,  
7 Tammy was still overseeing some of her work, a  
8 second set of eyes before we submitted these  
9 rankings to all the parties that do these things,  
10 business, financial times, et cetera.

11 Q How was it communicated to Ms. Payne that  
12 Tammy would no longer be supervising her?

13 A Not the way I would have expected. At  
14 the meeting I referred to earlier Laura Syer had  
15 scheduled a meeting to talk about the new  
16 structure. And so when I was explaining to  
17 Denise what the agenda of the meeting was or what  
18 my understanding of what was going to happen, I  
19 told her thinking she already knew that she was  
20 going to report to Cindy and not to Tammy any  
21 longer.

22 Q Okay.

23 A So I guess I was the one that told her.

24 Q And that was during the meeting you  
25 testified earlier to, which happened about a year

1 after --

2 A Uh-huh.

3 Q -- Ms. Payne assumed the data analyst  
4 role; is that right?

5 A Right, that's right.

6 Q Okay. Are you aware of any issues Ms.  
7 Payne had with Ms. Lindsay still overseeing some  
8 of her work after she had stepped down from the  
9 manager's role?

10 A I imagine she wasn't happy about it, but  
11 I don't know that she had a specific concern  
12 other than why is she still looking at my work, I  
13 thought she wasn't my supervisor.

14 Q Did she ever ask you why Ms. Lindsay was  
15 still looking at her work?

16 A I believe she asked Laura by e-mail who  
17 said we need two sets of eyes on this stuff and  
18 as associate dean she had a much broader scope  
19 and lots of complicated stuff to be dealing with.  
20 She couldn't supervise day-to-day details so she  
21 needed somebody else to look at stuff too.

22 Q After Ms. Lindsay stepped down from the  
23 manager's role was she still reviewing Ms.  
24 Payne's timecard?

25 A I believe that she sent Laura a snap

1 shot, a picture of the timecard because Laura  
2 couldn't initially get into the system. We  
3 hadn't fixed that in Workday and so Laura asked  
4 Tammy could you please send me a picture of her  
5 timecard so I can approve it.

6 Q Okay. Do you know if Ms. Payne ever  
7 complained about Ms. Lindsay doing that?

8 A I think she did.

9 Q And what do you base that on, that belief  
10 that she did?

11 A I think she sent Laura or -- by e-mail,  
12 it was most of her communication, I believe we  
13 saw it by e-mail and then I verified with Laura  
14 that, you know, you've approving time cards,  
15 right? And she said yes.

16 Q There came a time when Ms. Payne's  
17 employment with the university ended, correct?

18 A Yes.

19 Q Okay. Why did Ms. Payne's employment  
20 with the university end?

21 A During the summer of '17 Chris Barrett,  
22 who was dean of academic affairs, was rearranging  
23 his departments and wanted to take over  
24 management of some of the databases that this  
25 business analytics group was working on. So some

1 of the members of the team had already shifted  
2 under Chris and so some of that work shifted, and  
3 so Denise and Tammy and Cindy were left in this  
4 business analytics department. When Cindy said  
5 she was leaving, you know, it kind of made Laura  
6 stop and pause. She had been trying to work with  
7 each of the deans of the three schools, was there  
8 data analytics or decision making or key  
9 performance indicator kind of work that they  
10 could do to support the group because a lot of  
11 the work shifted. And while there was  
12 possibilities there, it required somebody of a  
13 higher level like Cindy to oversee that and to  
14 work directly with the deans on what they needed.  
15 When Cindy gave her notice, Laura felt like there  
16 wasn't enough work and enough of a high level  
17 experienced supervisor to oversee anything that  
18 might be left. So they had basically half of  
19 what Denise's role was, which was the surveys and  
20 rankings and half of what Tammy was doing, the  
21 key performance indicators and so the thought was  
22 that they would put those together into one job.  
23 The university requires, has a process for  
24 layoff, which is what we were moving towards and  
25 so all of these kind of proposals go into a web

1 based tool where you have to describe the team  
2 and all the members and their demographics. You  
3 have to write a rationale for, you know, the  
4 changes and where the work is going and what the  
5 proposal is. It then gets reviewed by workforce  
6 diversity inclusion, by policy and labor  
7 relations, by counsel's office and so that  
8 proposal went forward to basically eliminate the  
9 business analytics team, which meant, you know,  
10 Cindy was already gone, but taking Denise's --  
11 what was left of Denise's job and what was left  
12 of Tammy's job and combining it into one role  
13 that was in between the two bands at an F level  
14 and shift it under Chris Barrett's role.

15 Q Okay. When did Ms. -- strike that. Do  
16 you know how Ms. Payne was notified that she was  
17 being laid off?

18 A It was in a meeting with Laura Syer and  
19 I, I believe it was on December 1st of 2017.

20 Q What was Ms. Payne's reaction to the news  
21 that she was being laid off?

22 A She wasn't surprised frankly. In fact, I  
23 think she said I'm not surprised. I think she,  
24 from my assumption is that, you know, there  
25 wasn't a lot of work coming at them at that

1 point.

2 Q Okay. Did you discuss the possibility of  
3 new positions at Cornell with Ms. Payne at that  
4 time?

5 A We told her there was going to be the new  
6 role created under Chris Barrett and that she was  
7 welcome to apply for that, as well as anything  
8 else that the college had open.

9 Q And what was her reaction to hearing  
10 about this new role under Mr. Barrett?

11 A I think she indicated that she was going  
12 to apply for it.

13 Q Do you know if she actually did apply?

14 A She did.

15 Q Okay. Do you know if she was ever  
16 interviewed for that position?

17 A She was.

18 Q Okay. Do you know who interviewed her?

19 A It would be a guess at this point. I  
20 think Julie was on the panel, Amanda Shaw, who  
21 would've been the hiring manager. I don't recall  
22 who else was on --

23 Q How were you aware that Ms. Payne applied  
24 for and was interviewed for this role?

25 A All of the requisitions are in Workday,

1 which is the university's HRIS. So as  
2 transactions and applicants come in, you know, I  
3 have a queue that I see stuff, as well as  
4 conversations with Julie.

5 Q Did you have a discussion with Ms. Weaver  
6 about Ms. Payne's interview for the role?

7 A It would've been just status on where  
8 it's at. I did not get into details about, you  
9 know, comments from the people who interviewed.

10 Q Was Ms. Payne offered the role?

11 A No.

12 Q Do you know why not?

13 A They had another candidate that had a  
14 whole lot of experience in education doing this  
15 kind of thing and was a better candidate.

16 Q Do you recall that candidate's name?

17 A Kate Odinario (phonetic) I believe.

18 \_\_\_\_\_

19 Q Do you know how to spell that last name?  
20 It's okay if you don't.

21 A No.

22 Q Okay. Do you know if Ms. Payne has ever  
23 worked for Cornell since her layoff?

24 A I don't believe so.

25 Q Do you know if she applied to any other

1 positions at Cornell after her layoff?

2 A I think she applied to another one at the  
3 college, which would've been under Beth Fox.

4 Q And are you aware of that application the  
5 same as you were the other application for the  
6 role with --

7 A Yeah, tangentially, yeah.

8 Q Do you know if she was interviewed for  
9 that second position?

10 A She was.

11 Q Do you know who sat on her interview  
12 panel?

13 A No. Other than Beth Fox, who would be  
14 the hiring manager.

15 Q Okay. And she was not offered that  
16 position either, correct?

17 A No.

18 Q Do you know why she was not offered that  
19 position?

20 A Other than a more qualified candidate.

21 Q Do you know what the title of that  
22 position was?

23 A I'm not sure what the title was.

24 Q Okay. Do you know who was ultimately  
25 hired for that position?

1 A Michelle Buckholz I believe.

2 Q Did Ms. Lindsay continue to work for  
3 Cornell following her layoff?

4 A She was hired into a part-time six month  
5 role helping get ready for reaccreditation.  
6 Every five years the AACSB does a huge process  
7 and they send a team to visit, and there's tons  
8 and tons of documentation and preparation for  
9 that, and Tammy had been through that before at  
10 the hotel school and so they asked her to help.

11 Q When you say they asked her to help, do  
12 you know who specifically asked her to stay on?

13 A Cathy Enz who was the associate dean of  
14 affairs at hotel initially, but all three schools  
15 had to do similar work, so I think she ended up  
16 helping the other schools as well. So Vishal  
17 Gaur and maybe, I don't know if it was Harry  
18 Kaiser over at Dyson, but similar kind of  
19 preparation that each of the schools had to do.

20 Q Okay. And when did that part-time six  
21 month role take place; was it immediately after  
22 her layoff, some time later?

23 A A couple months later, maybe March.

24 Q And after that part-time position ended  
25 has Ms. Lindsay worked for Cornell University

1 again, to your knowledge?

2 A Not to my knowledge, no.

3 Q Okay. Have you spoken to Ms. Lindsay  
4 after her employment with Cornell ended, meaning  
5 after that six month period?

6 A I have not.

7 Q Okay.

8 MS. VINCI: Can we take like five  
9 minutes? I think I'm pretty much wrapped  
10 up but --

11 (OFF THE RECORD.)

12 Q Just one small thing to go over. Who is  
13 Shawn Varma?

14 A Shawn used to work in the policy and  
15 labor department. I don't believe he does  
16 anymore, but he was a consultant there.

17 Q Okay. And would that be the office of  
18 workforce policy?

19 A Yes.

20 Q Okay. And what is the office of  
21 workforce policy?

22 A So they are -- deal with all of the union  
23 contract negotiations. They write and revise  
24 policies and so are consultants to managers, HR  
25 folks and employees on policy issues.

1 Q Okay. Are you aware of any discussions  
2 between Ms. Payne and Mr. Varma regarding her  
3 work with Ms. Lindsay?

4 A I believe Shawn was involved in the  
5 question of her performance dialogue, which is  
6 the university's term for performance evaluation,  
7 documentation. That she wanted reference to her  
8 medical leave removed from her performance  
9 dialogue.

10 Q Okay. Was any reference to Ms. Payne's  
11 medical leave removed from her performance  
12 dialogue?

13 A Yes.

14 Q Okay.

15 A So the university's process is that the  
16 employee does a self evaluation first and then  
17 the manager does hers. And Denise had mentioned  
18 it herself, so the manager, Tammy at the time,  
19 also made reference to it, but it was sent back  
20 and both were removed.

21 Q Okay.

22 MS. VINCI: I have no further  
23 questions.

24 MR. PENCE: We have no redirect, but  
25 we'll reserve and sign.

A F F I D A V I T

STATE OF NEW YORK

COUNTY OF \_\_\_\_\_

I have read my deposition, and the  
same is true and accurate, save and except for  
changes and/or corrections, if any, as indicated  
by me on the correction sheet attached hereto.

\_\_\_\_\_  
KATHERINE DOXEY

SUBSCRIBED AND SWORN TO before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My commission expires on \_\_\_\_\_.

1 STATE OF NEW YORK

2 COUNTY OF CHEMUNG

3 I, Caitlyn A. Shaylor, do hereby certify  
4 that before the taking of the deposition, the said  
5 witness was by me first duly sworn to testify  
6 to the truth, the whole truth and nothing but the  
7 truth and that the above deposition was recorded by  
8 me in stenotype and reduced to typewriting under my  
9 supervision.

10 I further certify that the said  
11 deposition constitutes a true record of the  
12 testimony given by said witness to the best of my  
13 ability.

14 I further certify that the said  
15 deposition was taken before me at the time and  
16 place specified in the notice.

17 I further certify that I am not a  
18 relative or employee or attorney or counsel of any  
19 of the parties, or a relative or employee of such  
20 attorney or counsel or financially interested  
21 directly or indirectly in this action.

22  
23 *Caitlyn Shaylor*  
24

25 CAITLYN A. SHAYLOR

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